

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated February 12, 2004. A Petition for Extension of Time (three months) and the fee therefor are enclosed.

The objection to the drawings has been noted and responsive thereto, the applicant encloses formal drawings.

The objection to the specification has also been noted and the text on page 13 has been amended to remove the ambiguity concerning reference character "24". Reconsideration and withdrawal of said objection is requested. -

Claims 1, 24 and 29 stand rejected under 35 U.S.C. §112, second paragraph, for the reasons that are stated at the top of page 3 of the Office Action. These claims have been amended in a manner which it is respectfully submitted to have mooted the rejection. Withdrawal thereof is accordingly requested.

Substantively, claims 1-16, 18-20 and 22-29 stand rejected on grounds of obviousness over Tracy, et. al. (5,979,757), in view of Perkowski (2004/0019535 A1). Further, claims 17 and 21 stand rejected over the aforementioned references, in further view of Jelen (6,129,276). Reconsideration of the rejections on art is requested in view of the amendments to the claims herein and the following remarks.

In the BACKGROUND section of the instant specification (pages 1-5), it is readily conceded that there exists numerous tools, including hand-held tools such as scanners and the like, that can read information and obtain various information about various products. Indeed, there are numerous point of sales (POS) systems which are based on closed networks, operating within a single store or a single store chain and which are utilized in physically limited areas for obtaining a great deal of information about products, services and information.

Respectfully, the present invention distinguishes over the prior art in several important respects. Thus, independent claim 1 and its counterpart method claim 23, provides a combination of features and facilities which together distinguish the defined system and method from the prior art. More specifically, claim 1 calls for a portable hand-held user tool which is capable of reading, storing and forwarding identification indicia identifying desired items.

Concededly, such a tool, in and of itself, is known. However, claim 1 goes on further by providing a central agent facility which can communicate with the plurality of the users tools to obtain from them requests for information about specific products, services or information. The central agent facility which mediates communications between end users and various sources of information itself includes a plurality of user-selectable electronic agent facilities which can be functionally independent of one another. This provides a very important feature for various users who wish to reach different sources and types of information, without being limited to a single, controlling source of data.

Thus, the system of the invention is not married or tied to a single facility or, more importantly, to a single provider of information which filters and tailors the information to suit the needs of a particular manufacturer or vendor of products or services. Rather, independent third parties can create such agents and via these “agent” facilities, third party sources of information become available to the end users to obtain independently provided information, specifications, or even product comparisons and critiques, which would not be available if a system was a closed system controlled by one organizer of information or data provider.

Lastly, in accordance with claim 1, a user can communicate with the system both in an on-line or off-line mode. The last feature provides the user the selectable ability to simply send a message requesting information and does not require interactive on-line and constant connection between the user tool and the electronic agent facility from which information is being requested.

As described above, the system of the present invention is an open system rather than a closed system, and the users of the system, such as general consumers, can retrieve neutral product information by scanning indicia on any goods. The application of the system is not limited to the goods in specific stores or store chains or to goods that a particular data provider wants to promote and advertise.

Consumer users can also retrieve information anywhere and anytime, not only in daytime hours at stores. They can obtain the information through the Internet while at home, in their cars or at any time of the day or night.

Although traditional point of sale systems which use bar codes provide information, their responses are typically uniform responses which are essentially “canned” and do not allow the

overall system development of independent sources of information. With the invention, the user selectable e-Agent facilities allows the tool to run user selectable e-Agent software within the tool and the user can apply preferred e-Agent technology on a case-by-case basis and obtain a variety of information, even though the inputted indicia for a particular product or service may, in and of itself, be the same.

For example, when a user finds herself in a drugstore and scans a bar code on a certain medicine box, utilizing her mobile phone as the hand-held user tool of the present invention, the user may opt for an electronic agent facility which provides the information based on best price feature and the mobile phone shows the place and name of the store with the best price product. In the case where the user selects an e-Agent facility with a product comparison feature, the mobile phone tool shows comparison information for similar medicines. In like manner, in the case where the user selects an e-Agent which is geared to identify allergy information, the mobile phone suggests and provides all the necessary information on a particular type of medicinal product being considered for purchase.

As described above, the e-Agent facilities comprise software that can be developed by independent parties who are in a neutral position and who are not influenced by the desires of specific stores, manufacturers, etc. The e-Agent software can be distributed to the public through open networks. In the cases mentioned above, a doctor who has developed knowledge on an allergy can develop e-Agent software and users applying the e-Agent technology of the present invention can retrieve neutral information or suggestions on products, which information is not developed in reliance on or influenced by specific medicine manufacturers or stores. The e-Agent features can be realized by software or network service, client terminus or in combinations thereof.

Turning the rejections on prior art, it is noted that the primary Tracy, et. al. reference describes a generic method and system for presenting item information using a portable data terminal. As set forth at column 2, beginning at line 24 of this reference, the hand-held terminal of this reference can be utilized in the self-scanning application referred to in the reference as "self-shopping" or "self-checkout" to receive marketing pricing and additional information from a central host for products she has scanned with her portable terminal. Generally, this reference

describes a central host and in that respect is a closed system, not an open system, which lacks the independent electronic agent facilities of the present invention and which does not have the capability of allowing users to operate in on-line or off-line modes to provide the greatest optimization and versatility for a system and method or process in accordance with the present invention.

Respectfully, the secondary, Perkowski, reference does not disclose the invention of claim 1, including the utilization of a central agent which includes a plurality of electronic agent facilities which are capable of providing independently derived or developed information, which agents operate under the control of the central facility, so that the individual users do not have know the specific Internet location or master specific rules for communicating with each electronic agent.

For the foregoing reasons, it is respectfully submitted that the two independent claims in the application and, necessarily therefore, all their dependent claims, clearly distinguish over the prior art of record.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 11, 2004:

Max Moskowitz

Name of applicant, assignee or
Registered Representative

Signature

August 11, 2004

Date of Signature

Respectfully submitted,

MAX MOSKOWITZ

Registration No.: 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700